

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
BEAUFORT DIVISION

James A. Fleming, #150479,	)	CIVIL ACTION NO. 9:13-3377-DCN-BM
	)	
Plaintiff,	)	
	)	
v.	)	<b>ORDER</b>
	)	
Shella Mahoney, William Brown,	)	
L. Williams, E. Tyler, Bernard McKie,	)	
and Robert Ward,	)	
	)	
Defendants.	)	
	)	

This action has been filed by the Plaintiff, pro se, pursuant to 42 U.S.C. § 1983, alleging a violation of his constitutional rights. This matter is before the Court on motion of the Plaintiff to add Shella Mahoney as a party Defendant, and for appointment of counsel.

There is no right to appointed counsel in § 1983 cases. Cf. Hardwick v. Ault, 517 F.2d 295 (5th Cir. 1975). While the Court is granted the power to exercise its discretion to appoint counsel for an indigent in a civil action, 28 U.S.C. § 1915(e)(1); Smith v. Blackledge, 451 F.2d 1201 (4th Cir. 1971), such appointment "should be allowed only in exceptional cases." Cook v. Bounds, 518 F.2d 779, 780 (4th Cir. 1975). The Plaintiff in his motion has not shown that any exceptional circumstances exist in this case. Rather, Plaintiff simply states that he is hindered as a prisoner and has no prior experience to litigate his case. These are typical of complaints by prisoners seeking to pursue civil cases pro se in federal court, and after a review of the file, this Court has determined that there are no exceptional or unusual circumstances presented which would justify the appointment of counsel, nor would the Plaintiff be denied due process if an attorney were not appointed.



Whisenant v. Yuam, 739 F.2d 160 (4th Cir. 1984). In most civil rights cases, the issues are not complex, and whenever such a case brought by an uncounseled litigant goes to trial the Court outlines proper procedure so the uncounseled litigant will not be deprived of a fair opportunity to present his or her case. Accordingly, the Plaintiff's request for a discretionary appointment of counsel under 28 U.S.C. § 1915 (e)(1) is **denied**.

Finally, with respect to Shella Mahoney, this individual has already been added as a party Defendant in this case. See Court Docket No. 60. Therefore, that portion of Plaintiff's motion is **moot**.

**IT IS SO ORDERED.**



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Bristow Marchant  
United States Magistrate Judge

November 13, 2014  
Charleston, South Carolina